United Nations CRPD/C/SYC/Q/1

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Seychelles*

A. Purpose and general obligations (arts. 1-4)

1. Please provide information on the revision of domestic legislation to ensure that it fully complies with the Convention, including the replacement for the National Council for Disabled Persons Act 1994, referred to in the initial report of the State party (CRPD/C/SYC/1 and Corr.1, para. 41),[1] and the Civil Code. Please also provide information on the involvement of organizations of persons with disabilities in this regard. Please provide updated information on measures adopted to remove derogatory terminology concerning persons with disabilities from legislation, including the Constitution.

2. Please clarify whether the national policy on disability and a national action plan on disability have been adopted and implemented, and whether steps have been taken to ensure that they are in accordance with the Convention (paras. 19, 25 and 31). Please indicate what steps have been taken to improve the representation of persons with disabilities on the board of the National Council for Disabled Persons (para. 33). Please also indicate what measures have been adopted to increase the number of registered organizations of persons with disabilities, and include information on the amount of funding they have received from the State party since the submission of its initial report (para. 271).

3. Please clarify the meaning of "reasonable provision" in article 36 (a) of the Constitution and indicate what steps have been taken to ensure that it is in line with reasonable accommodation under article 2 of the Convention.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

4. Please provide information on any plans to adopt legislation to expressly prohibit discrimination on the grounds of disability, including the denial of reasonable accommodation as a form of discrimination. Please clarify the legal avenues available to dispute laws and practices that are discriminatory on the grounds of disability and provide information, including statistical data, on the number of reported cases of discrimination on the grounds of disability.

5. Please provide information on the measures taken to address the "multiple disadvantages" (para. 50) that older persons with disabilities may experience, including any available legal protection.

* Adopted by the pre-sessional working group at its eighth session (4-8 September 2017).

[1] Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.

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Women with disabilities (art. 6)

6. Please provide information on the measures taken to support women and girls with disabilities, especially those living in rural and dispersed outer islands, in the fields of education, employment and other areas of public life, and particularly to address intersectional discrimination. Please include details of legislative and policy measures, including any specific measures to increase the visibility of women with disabilities (para. 52) and ensure their full development, advancement and empowerment.

Children with disabilities (art. 7)

7. Please provide information on the measures that have been taken to speed up the review of the Children Act and other child related laws (para. 63). Please indicate what measures, including support services, have been implemented to ensure that, in practice, children with disabilities can exercise their rights on an equal basis with others, particularly relating to the right to access health services and education and to freely express their views on all matters affecting them.

Awareness-raising (art. 8)

8. Please indicate what specific measures have been adopted to address attitudinal barriers towards persons with disabilities, including among parents and extended families, employers, service providers and the community as a whole. Please explain how the impact of the various awareness-raising campaigns to promote the rights of persons with disabilities (para. 79) has been assessed. Please provide information on the measures adopted to ensure that awareness-raising campaigns and materials are available in accessible means, modes and formats of communication and that they are equally available on islands other than Mahé, Praslin and La Digue.

Accessibility (art. 9)

9. Please indicate what progress has been achieved in the revision of legislation, including the Town and Country Planning Act (para. 99), and describe the legislative and other measures adopted to improve accessibility in terms of the built environment, transportation, and information and communications technology. Please provide information on the involvement of representative organizations of persons with disabilities in monitoring and assessing the suitability of accessible facilities and services.

Situations of risk and humanitarian emergencies (art. 11)

10. Please indicate what measures have been taken to consult with persons with disabilities and ensure the inclusion of a gender, age and disability perspective in the design and implementation of laws, strategies and plans relating to climate change and situations of risk, including tsunamis, floods and piracy. Please explain what measures have been adopted to ensure that information on disaster risk reduction and emergency preparedness is accessible to persons with disabilities, especially for persons living on dispersed outer islands.

Equal recognition before the law (art. 12)

11. Please provide information on measures adopted to eliminate all discriminatory legal provisions and practices that restrict the rights of persons with disabilities, including in relation to entering into contracts, voting, marrying, taking decisions concerning health and accessing courts of law (para. 126). Please include information on measures taken to replace substitute decision-making by supported decision-making in the exercise of legal capacity.

Access to justice (art. 13)

12. Please indicate what measures are in place throughout the State party to ensure effective access to justice for persons with disabilities on an equal basis with others, such as the provision of legal aid, sign language interpretation and procedural accommodation.

Please also indicate what measures have been taken to train law enforcement officers in the respect of the rights of persons with disabilities.

Liberty and security of the person (art. 14)

13. Please clarify the legal and other measures that have been adopted by the State party to repeal the provisions in civil and criminal law that permitted the involuntary hospitalization and institutionalization of persons with disabilities, including children, on the basis of their actual or perceived impairment. Please specify the number of persons with disabilities who are currently deprived of their liberty on the grounds that they constitute a danger to themselves and/or others.

Freedom from torture or cruel, inhuman or degrading treatment or punishment, and protecting the integrity of the person (arts. 15 and 17)

14. Please provide updated information on the measures adopted to ensure that legislation relating to mental health is in accordance with the Convention and respects the rights of all persons with disabilities (para. 37). Please indicate what monitoring and review mechanisms are in place to prevent and protect against forced medical treatment, including forced electroconvulsive therapy, and to challenge involuntary admission. Please indicate how women and girls with disabilities are effectively protected from forced sterilization.

Freedom from exploitation, violence and abuse (art. 16)

15. Please provide information on support services for persons with disabilities who experience violence, including in rural areas, and indicate whether those services include explicit provision for children with disabilities. Please provide information on training programmes for police officers, court officials, social workers, health professionals and other interlocutors working with persons with disabilities who are exposed to exploitation, violence and abuse to raise their awareness about the rights of persons with disabilities and provide them with adequate support.

16. Please provide updated information on efforts to adopt a comprehensive strategy to combat violence against women with disabilities. Please include information on the support and redress available to women with disabilities who are exposed to violence.

Liberty of movement and nationality (art. 18)

17. Please describe the measures adopted by the State party to ensure that the Immigration Decree and other relevant legislation guarantee the freedom of persons with disabilities to choose their residence, on an equal basis with others.

Living independently and being included in the community (art. 19)

18. Please provide information on the measures that have been adopted to increase the availability of community-based services aimed at enabling persons with disabilities to live and participate in the community. Please include statistical data on the percentage of persons with disabilities who are entitled to public services (para. 154). Please provide information on the measures that are being taken to increase understanding of the right to live independently and be included in the community and address the fact that most persons with disabilities in the State party never leave the family setting and the misconception that persons with disabilities need to be cared for and protected (para. 153).

Personal mobility (art. 20)

19. Please explain what efforts have been made to increase the personal mobility of persons with disabilities, including efforts to address the shortage of personal mobility equipment and qualified personnel (paras. 165 and 167). Please indicate what measures have been adopted to ensure that the eligibility criteria for the provision of assistive devices are in compliance with the Convention.

Freedom of expression and opinion and access to information (art. 21)

20. Please provide information on the availability of public information, including websites, and the mass media to persons with disabilities in accessible formats, such as Braille, sign language and Easy Read, and on the steps being taken to develop and officially recognize Creole sign language.

Respect for the home and the family (art. 23)

21. Please provide updated information on the legislative and other measures that have been taken to ensure that parents with disabilities:

(a) Have the same rights as others relating to parenthood, adoption and the family (para. 175);

(b) Receive the support they need to meet their parental responsibilities.

Education (art. 24)

22. Please provide information on progress made to increase the number of children with disabilities in mainstream education (para. 187), specifying all the types of reasonable accommodation provided to students with disabilities in mainstream classes. Please provide updated information on the adoption and implementation of the Policy on Inclusive Education (para. 193) and indicate whether it is in accordance with the Convention and the Committee's general comment No. 4 (2016) on the right to inclusive education. Please indicate what measures have been adopted, including budgetary allocations, to address the challenges the State party faces with regard to the full implementation of inclusive education (para. 202).

Health (art. 25)

23. Please indicate the measures taken to ensure that health services and health information are accessible to persons with disabilities, based on their free and informed consent, including services and information relating to sexual health and reproductive rights and HIV/AIDS (paras. 208-215), including in rural and remote areas.

Habilitation and rehabilitation (art. 26)

24. Please provide information on any measures taken to increase the availability of habilitation and rehabilitation services in the community (para. 216) and include statistics on the percentage of persons with disabilities entitled to such services.

Work and employment (art. 27)

25. Please provide disaggregated data on the unemployment rates of persons with disabilities compared to others. Please provide information on legal and other measures adopted to promote the employment of persons with disabilities, particularly women, in the open labour market. Please update the Committee on the progress made in the implementation of the 2013 policy on eliminating discrimination at work against persons with disabilities (para. 226) and include information on monitoring compliance.

Adequate standard of living and social protection (art. 28)

26. Please provide information on the eligibility criteria for and access to social protection programmes and poverty reduction programmes for children and adults with disabilities, particularly women, girls and older persons. Please indicate the extent to which the programmes guarantee an adequate standard of living and cover additional financial costs resulting from disability (paras. 176 and 223-237). Please indicate what measures the State party plans to take to ensure that workers with disabilities are still entitled to complementary financial assistance relating to disability costs, in order not to discourage them from seeking and keeping employment (paras. 228 and 238).

Participation in political and public life (art. 29)

27. Please indicate what legislative and other measures have been taken to ensure the right of all persons with disabilities to participate in political and public life, including electoral matters (paras. 245 and 247). Please highlight the steps that have been taken to ensure the effective representation of persons with disabilities, particularly women, in political and public decision-making positions (para. 246).

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

28. Please indicate the measures the State party plans to take to systematically collect data on disability in accordance with the Convention, such as by including the short set of questions on disability designed by the Washington Group on Disability Statistics, and to address the current unavailability of data (para. 252). Please comment on the fact that the approximate number of persons with disabilities identified in the 2010 census is much lower than the global World Health Organization estimate of 15 per cent (paras. 7 and 253).

International cooperation (art. 32)

29. Please provide information on the specific strategies the State party plans to introduce in order to actively implement disability-inclusive development, particularly in the context of small island developing States and the 2030 Agenda for Sustainable Development, respectively.

National implementation and monitoring (art. 33)

30. Please clarify the roles of the Ministry for Social Affairs, Community Development and Sports, and the National Council for Disabled Persons in relation to article 33 (1) of the Convention. Please explain the appointment procedure and composition of the National Human Rights Commission and indicate what measures have been adopted to ensure that its mandate is separate from, but complements, that of the Office of the Ombudsman (paras. 35 and 265). Please provide statistics on the number of complaints made by persons with disabilities alleging violations of their rights.

31. Please provide information on measures taken to designate or establish an independent monitoring mechanism, including measures adopted to ensure the effective participation of persons with disabilities and their representative organizations.